

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELINDA BRELSFORD,

Plaintiff,

Case No. 06-13628

v.

U.S. FOODSERVICE, INC., JOE
FIORDILINO, SCOTT SIMPSON,
and MARK BUTWILL,

Hon. John Corbett O'Meara

Defendants.

**ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION**

Before the court is Defendant U.S. Foodservice's motion for reconsideration, filed October 12, 2007. Defendant also submitted supplemental documentation in support of its motion on October 30, 2007. At the court's request, Plaintiff filed a response brief on November 6, 2007.

Defendant requests that the court reconsider its decision that denied, in part, Defendant's motion for summary judgment on Plaintiff's sexual harassment claim. Specifically, Defendant takes issue with the court's conclusion that "Defendant [did] not argue that Plaintiff's conversations with Simpson were insufficient to give the company notice of Fiordilino's harassment." October 2, 2007 Opinion at 5. Defendant asserts that the facts presented in the original motion demonstrate otherwise. Defendant also relies on newly presented copies of Plaintiff's Franklin planner in support of its motion.

The standard for granting motions for reconsideration is as follows:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration which

merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

LR 7.1(g)(3).

Having reviewed Defendant's motion and Plaintiff's response, the court concludes that Defendant has presented the same issues that were ruled upon by the court, either expressly or by reasonable implication. Further, the court finds that the newly presented evidence from Plaintiff's Franklin planner does not compel a different disposition of the case. Defendant has failed to demonstrate a palpable defect by which the court and the parties have been misled.

Accordingly, IT IS HEREBY ORDERED that Defendant's October 12, 2007 motion for reconsideration is DENIED.

s/John Corbett O'Meara
United States District Judge

Date: November 14, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, November 14, 2007, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager